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State of Montana
Office of the Governor

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JAN 31 1996

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Executive Order No. 16-95

**EXECUTIVE ORDER PROCLAIMING EMERGENCY
CLOSURE OF MALTA PUBLIC SCHOOLS**

WHEREAS, on December 24, 1995 a fire destroyed and/or severely damaged buildings of the Malta School District; and

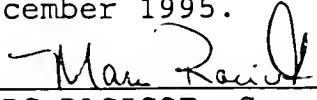
WHEREAS, as a result of this fire, pupil instruction days previously scheduled may not be held; and

WHEREAS, the Boards of Trustees of the Malta Elementary and High School Districts have determined that it is in the best interest of the school districts that the Governor of Montana be requested to declare an emergency school closure for both elementary and high school districts.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me under the Constitution of the State of Montana, Section 10-3-302, MCA, and other applicable statutes, do hereby declare that an Emergency School Closure exists for the Malta Elementary and High School Districts and that such districts shall be entitled to receive full annual equalization apportionment for

1 the pupil instruction days lost as a result of the emergency,
2 pursuant to Section 20-9-806, MCA.
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4

5 GIVEN under my hand and the
6 GREAT SEAL of the State of
7 Montana, this 27th day of
8 December 1995.


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11 _____
12 MARC RACICOT, Governor

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ATTEST:



MIKE COONEY, Secretary of State

By  Angela Fultz, Chief Deputy

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Executive Order No. 15-95

EXECUTIVE ORDER PROCLAIMING CONDITIONS AS DEFINED IN
SECTIONS 10-3-103 AND 10-3-302, MCA, EXIST IN
MISSOULA, FLATHEAD, LAKE, RAVALLI, SANDERS,
MINERAL AND LINCOLN COUNTIES

WHEREAS, high winds, unseasonable rain and warm
temperatures followed by brief intermittent freezing
temperatures have raised water levels in Western Montana
streams and rivers; and

WHEREAS, these conditions have existed since November 30,
1995 and are expected to continue throughout the winter and
spring; and

WHEREAS, these same conditions have created instability
in the rock and terrain adjacent to many state and county
roads resulting in landslides; and

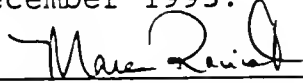
WHEREAS, Federal Highway Administration emergency funds
will be needed to repair infrastructure already damaged and
mitigate damage to others that are at risk; and

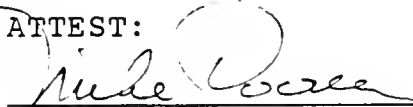
WHEREAS, these conditions create a significant safety
risk to motorists and residents and further have damaged and

1 retain the potential to cause further damages to the state
2 road system.

3 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
4 Montana, by virtue of the authority vested in me under the
5 constitution of the State of Montana, Title 10, Chapter 3,
6 MCA, and other applicable statutes, do hereby declare that a
7 state of emergency exists in Missoula, Flathead, Lake,
8 Ravalli, Sanders, Mineral and Lincoln Counties in the State of
9 Montana as defined in Section 10-3-103, MCA, for purposes of
10 qualifying for Federal Highway Administration emergency funds.
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13 GIVEN under my hand and the
14 GREAT SEAL of the State of
15 Montana, this 22ND day of
16 December 1995.

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19 MARC RACICOT, Governor
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18 ATTEST: 

19 _____
20 MIKE COONEY, Secretary of State
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Executive Order No. 14-95

EXECUTIVE ORDER CONTINUING THE
WHIRLING DISEASE TASK FORCE

12 WHEREAS, Montana's wild and native trout fisheries
13 constitute a priceless component of Montana's natural heritage
14 and a significant component of the state's economic
15 foundation; and

16 WHEREAS, whirling disease, a parasitic disease of
17 salmonids caused by *Myxobolus cerebralis*, presents the single
18 greatest threat to the long-term survival of Montana's wild
19 and native trout; and

20 WHEREAS, whirling disease has now been found in 16 trout
21 waters in Montana; and

22 WHEREAS, whirling disease is likely, over time, to spread
23 to every river drainage in Montana where both wild trout and
24 *Tubificid* worms, the parasite's intermediate host, are found;
25 and

26 WHEREAS, while significant progress has been made over
27 the last year, there is still much learn about whirling

1 disease, its impacts on wild trout, and how to manage in its
2 presence; and

3 WHEREAS, the Whirling Disease Task Force has successfully
4 established a public-private partnership; and

5 WHEREAS, a public-private partnership is critical to the
6 successful implementation of the Task Force's long-term
7 recommendations; and

8 WHEREAS, by the actions of the Whirling Disease Task
9 Force, the State of Montana is establishing a model with which
10 other states can attack the whirling disease problem.

11 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
12 Montana, by virtue of the authority vested in me by 2-15-122,
13 MCA, do hereby continue the Governor's Whirling Disease Task
14 Force.

15 I. PURPOSE

16 The Whirling Disease Task Force shall:

17 A. Define the roles and responsibilities of the various
18 members of the public-private partnership in implementing
19 the Task Force's recommendations;

20 B. Recommend the financial commitments that must be
21 made by private and public partners to achieve the Task
22 Force's recommendations, ensuring that needs for the next
23 few years are met while the capacity to meet longer term
24 needs is being developed;

25 C. Evaluate whether an organization currently exists or
26 a new organization is needed to bring private financial
27

1 and other resources into the partnership; and

2 D. Evaluate the need for and feasibility of
3 establishing a council, advisory committee or other body
4 to oversee implementation of Task Force's recommendations
5 upon termination of this Executive Order.

6 II. COMPOSITION

7 The Whirling Disease Task Force shall be composed of not
8 more than 25 members. The names and addresses of members who
9 shall serve at the pleasure of the Governor are submitted by
10 separate letter to the Secretary of State.

11 The Whirling Disease Task Force may recommend additional
12 members to the Governor if necessary to accomplish the
13 purposes of this Executive Order,

14 III. DURATION

15 This Task Force shall remain in existence until October
16 1, 1996, unless extended or terminated by subsequent Executive
17 Order. This Order is effective immediately.

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20 GIVEN under my hand and the
21 GREAT SEAL of the State of
22 Montana, this 20th day of
December 1995.

23 Marc Racicot
MARC RACICOT, Governor

24
25 ATTEST:

26 Mike Cooney
27 MIKE COONEY, Secretary of State

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Executive Order No. 13-95

EXECUTIVE ORDER ESTABLISHING A
DEPARTMENT OF CORRECTIONS ADVISORY COUNCIL

I, MARC RACICOT, by virtue of the authority vested in me as Governor by the Constitution and laws of the State of Montana, and specifically pursuant to Section 2-15-122, MCA, do hereby establish a Department of Corrections Advisory Council.

I. PURPOSE

The Council shall actively work to improve the Montana Corrections System by making recommendations regarding the corrections policy and programs.

II. COMPOSITION

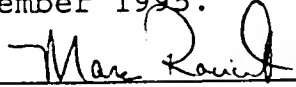
The Department of Corrections Advisory Council shall be composed of eighteen members. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Secretary of State.

III. DURATION


The Council shall exist for a period of two years from

1 the effective date of this Order unless otherwise ordered by
2 subsequent Executive Order. This Order is effective
3 immediately.
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6 GIVEN under my hand and the
7 GREAT SEAL of the State of
8 Montana, this 17th day of
9 December 1995.

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13 MARC RACICOT, Governor
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11 ATTEST:

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14 MIKE COONEY, Secretary of State
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OFFICE OF THE GOVERNOR
STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

November 21, 1995

TO: All Directors
FROM: Governor's Office
RE: Executive Orders

Enclosed is Executive Order No. 12-95 (consolidating State Laboratory Services within the Department of Public Health and Human Services).

Please route copies as appropriate.

enclosure

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State of Montana
Office of the Governor



Executive Order No. 12-95

EXECUTIVE ORDER CONSOLIDATING STATE LABORATORY SERVICES
WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

WHEREAS, prior to July 1, 1995, state law placed the responsibility to provide state laboratory services on the former Department of Health and Environmental Sciences, but, effective July 1, 1995, refers to laboratories being in both the Department of Environmental Quality and the Department of Public Health and Human Services; and

WHEREAS, the state's Public Health and Chemistry Laboratories, currently located within the Cogswell Building, provide the services required by law to both the Department of Public Health and Human Services and the Department of Environmental Quality and can continue to do so even if assigned to a single department for administration purposes; and

WHEREAS, requiring both departments to establish and maintain laboratories would be an unnecessary and wasteful duplication of both personnel and financial resources; and

1 WHEREAS, the citizens of Montana are best served by the
2 continued co-location and cooperation between the two
3 laboratories; and

4 WHEREAS, it is impractical to physically relocate the
5 laboratories from the Cogswell Building; and

6 WHEREAS, supervision of the laboratory functions can best
7 be provided by the agency that is physically located in the
8 Cogswell Building; and

9 WHEREAS, the Department of Public Health and Human
10 Services is scheduled to occupy the Cogswell Building.

11 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
12 Montana, pursuant to the authority vested in me by the laws of
13 the State of Montana, hereby direct the following:

14 1. Effective immediately, the state's Public Health and
15 Chemistry Laboratories, currently referred to as the
16 Public Health Laboratory Bureau and the Chemistry
17 Laboratory Bureau, will be considered to be part of the
18 Department of Public Health and Human Services.

19 2. The fixed assets of the laboratories will be
20 transferred to the Department of Public Health and Human
21 Services on the date of this executive order, and the
22 budget and fiscal activity for the laboratories will be
23 assigned to that department retroactively to July 1,
24 1995.

25 3. The Department of Public Health and Human Services
26 will have the general administrative responsibility for
27

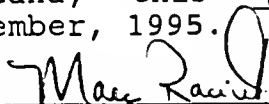
1 the laboratories and will provide general administrative
2 support to them, including budgeting, recordkeeping,
3 reporting, and related administrative functions.

4 4. In each case where the Montana Code Annotated
5 assigns a responsibility to the laboratory of the
6 Department of Environmental Quality, that responsibility
7 will be delegated to the Public Health and Chemistry
8 Laboratories located in the Cogswell Building.

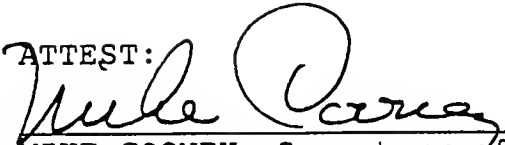
9 5. The Department of Public Health and Human Services
10 will propose and support legislation during the 1997
11 legislative session that statutorily places the state
12 laboratories within that department.

13
14 This Order is effective immediately.

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17 GIVEN under my hand and the
18 GREAT SEAL of the State of
19 Montana, this 10th day of
20 November, 1995.

21 
22 _____
23 MARC RACICOT, Governor

24 ATTEST:

25 
26 _____
27 MIKE COONEY, Secretary of State

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Executive Order No. 11-95

EXECUTIVE ORDER ESTABLISHING THE
MONTANA WORKFORCE PREPARATION COORDINATING COUNCIL

WHEREAS, federal law provides that any state that desires to participate in the Job Training Partnership Act (JTPA), Public Law 97-300, October 1982, may establish a Human Resource Investment Council ("the Council"); and

WHEREAS, the Governor is vested with the responsibility of appointing the Council; and

WHEREAS, the Governor recognizes the important role the Council will play in reviewing, coordinating and integrating workforce preparation programs, and creating a strong partnership with the private sector; and

WHEREAS, there is a need for the Council to review the delivery of services and the efficient use of funds and resources under applicable workforce preparation programs and advise the Governor on methods to coordinate such programs, funds, and resources consistent with the laws and regulations governing such programs and to recommend to the Governor goals and policies on an integrated workforce readiness system which

1 will assist public and private agencies in the coordination,
2 implementation and delivery of education, employment and
3 training, public assistance employment and training, and job
4 development programs.

5 NOW THEREFORE, I, MARC RACICOT, Governor of the State of
6 Montana, by virtue of the authority vested in me under the
7 laws and Constitution of the State of Montana and pursuant to
8 Section 701 of the Job Training Partnership Act, hereby
9 appoint the members of the "Montana Workforce Preparation
10 Coordinating Council (Council); and recognize its duties.

11 I. PURPOSE

12 The Workforce Preparation Coordinating Council:

13 1. shall serve the purpose of a Human Resource
14 Investment (Development) Council as referenced in Title
15 VII of the Job Training Partnership Act;

16 2. shall review the provision of services and the use of
17 funds and resources under applicable workforce
18 preparation programs and advise the Governor on methods
19 of coordinating such provision of services and use of
20 funds and resources consistent with the applicable laws
21 and regulations;

22 3. shall advise the Governor on the development and
23 implementation of state standards and measures relating
24 to applicable workforce preparation programs and the
25 coordination of such standards and measures;

26 4. shall carry out the duties and functions prescribed
27

1 for existing state councils described under laws relating
2 to the applicable workforce preparation programs;

3 5. may identify the workforce preparation needs in the
4 State and recommend to the Governor goals for meeting
5 such needs;

6 6. may recommend to the Governor goals for the
7 development and coordination of the workforce preparation
8 system in the State;

9 7. may prepare and recommend to the Governor a strategic
10 plan to accomplish the goals developed; and

11 8. may monitor the implementation of and evaluate the
12 effectiveness of the strategic plan.

13 II. COMPOSITION

14 The scope of authority for the Council is derived from
15 applicable federal and state statutes and from the composition
16 and commitment of the public sector/government members acting
17 in partnership with the private sector members. Composition
18 of the Council shall be 30% from the business community, 30%
19 from state and local government, 30% from organized labor and
20 community based organizations, and 10% from the general
21 public. The chair shall be appointed from the non-
22 governmental members.

23 The names and addresses of members who shall serve at the
24 pleasure of the Governor are submitted by separate letter to
25 the Secretary of State and to each Department participating on
26 the Council.

1 III. ADMINISTERING AGENCY

2 The Department of Labor and Industry is hereby designated
3 as the organizational unit responsible for administration and
4 management of Montana Workforce Preparation Coordinating
5 Council. This agency is authorized to act on behalf of the
6 Governor in the planning, administering, coordinating and
7 oversight functions assigned to the Governor. Council
8 administrative staff will be funded through a cost allocation
9 plan from each participating Department.

10 IV. DURATION

11 The Council shall exist for a period of time as needed to
12 carry out the designated functions. Any provisions of prior
13 Executive Orders relating to the members and authority of the
14 Montana Job Training Coordinating Council are hereby
15 superseded by the provisions of this Order. This Order is
16 effective immediately.

17
18 GIVEN under my hand and the
19 GREAT SEAL of the State of
20 Montana, this 7th day of
21 September, 1995.

22 Marc Racicot
23 MARC RACICOT, Governor

24 ATTEST:

25 Mike Cooney
26 MIKE COONEY, Secretary of State

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Executive Order No. 10-95

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY
TO EXIST IN PRAIRIE COUNTY

WHEREAS, a Tactical Incident as defined in 10-3-702(2),
MCA exists in Prairie County; and

WHEREAS, State resources are needed to assist and
support local law enforcement efforts; and

WHEREAS, there is an immediate and urgent need to
provide state resources in order to protect life, property
and to avoid injuries; and

WHEREAS, these conditions authorize the Governor to
activate state resources and the Montana National Guard to
protect life, health and property; and

WHEREAS, a proclamation of an emergency authorizes the
Governor under Section 10-3-311, MCA, to expend funds from
the general fund to meet contingencies and needs arising
from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State
of Montana, pursuant to the authority vested in me as
Governor under the Constitution of the State of Montana and

1 Title 10, Chapter 3, MCA, and under other applicable
2 statutes, do hereby declare a emergency to exist in Prairie
3 County.

4 This Order is effective immediately.

8 GIVEN under my hand and the
9 GREAT SEAL of the State of
10 Montana, this 25th day of
11 August, 1995.

12 Marc Racicot
13 MARC RACICOT, Governor

14 ATTEST:

15 Mike Cooney
16 MIKE COONEY, Secretary of State

17 167/ Heather Jackson, Deputy

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Executive Order No. 9-95

EXECUTIVE ORDER CONTINUING THE STATE COUNCIL ON
VOCATIONAL EDUCATION ALSO KNOWN AS THE
VOCATIONAL EDUCATION ADVISORY COUNCIL

WHEREAS, Section 112 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Public Law No. 101-392) requires that each state wishing to participate in the vocational education programs authorized by that Act establish a State Council on Vocational Education; and

WHEREAS, P.L. 101-392 requires that such council shall be "appointed by the Governor, or, in the case of States in which the members of the State Board of Education are elected..., by such board"; and

WHEREAS, the State Board of Education in Montana is not an elected body.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to P.L. 101-392, and the Constitution and the laws of the State of Montana, specifically Section 2-15-122, MCA, do hereby continue the Montana Council on Vocational Education also

1 known as the Vocational Education Advisory Council
2 ("Council").
3

4 I. PURPOSE

5 The Council shall carry out all duties assigned to it
6 pursuant to P.L. 101-392 and amendments thereto, and such
7 other responsibilities set forth by the Governor from time to
8 time.
9

10 II. COMPOSITION

11 The Council is composed of thirteen (13) members,
12 including seven (7) from the private sector and six (6) from
13 the public sector. Appointment of members must be in
14 compliance with Section 112(a)(1)(2) of Public Law 101-392 and
15 Title 34, Part 403, Subpart B 403.18 of the Code of Federal
16 Regulations. The names and addresses of members who shall
17 serve at the pleasure of the Governor are submitted by
18 separate letter to the Secretary of State, the Board of
19 Regents and the State Board of Public Education.
20

21 IV. TERMINATION OF PRIOR EXECUTIVE ORDER

22 Any provisions of prior executive orders relating to the
23 members and authority of the Montana Council on Vocational
24 Education are hereby superseded by the provisions of this
25 Order.
26
27

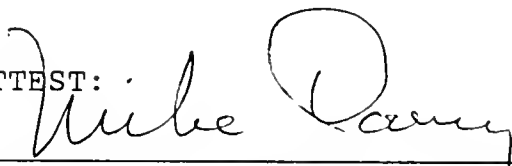
1 V. DURATION

2 The Council shall exist until two years from the
3 effective date of this order. This Order shall be effective
4 immediately.

7 GIVEN under my hand and the
8 GREAT SEAL of the State of
9 Montana, this 19th day of July,
10 1995.

11 
12 _____
13 MARC RACICOT, Governor

14 ATTEST: .

15 
16 _____
17 MIKE COONEY, Secretary of State

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Executive Order No. 8-95

EXECUTIVE ORDER CREATING THE SUMMITNET EXECUTIVE COUNCIL

WHEREAS, coordinated management of the state's telecommunications infrastructure is an important aspect of providing cost effective, essential services to the citizens of Montana; and

WHEREAS, 2-17-502, MCA, provides for the establishment of the Information Technology Advisory Council (ITAC) in accordance with 2-15-122, MCA, whose members must be selected from a diverse group in order to adequately represent the interests of state agencies, including the university system; and

WHEREAS, the ITAC represents the collective information technology interests of the State of Montana; and

WHEREAS, the Information Technology Strategic Plan for the State of Montana makes the following recommendations:

The Information Services Division (ISD) should continue with the current practice of sharing network facilities, with ISD regularly assessing the overall

1 cost effectiveness of providing a shared network for
2 the enterprise.

3 ISD should coordinate interagency networks (voice,
4 data, video, radio) with active input from agencies,
5 and ITAC when appropriate, on product needs and
6 choices.

7 ITAC recommends the establishment of issue-
8 specific task forces comprised of ITAC members who
9 would represent ITAC on specific issues, including rate
10 setting, budgetary initiatives and legislative
11 advocacy; and

12 WHEREAS, the 54th Legislature approved the expansion of
13 the State and Universities of Montana Multi-Protocol Network
14 (SummitNet) through an appropriation of \$1,949,000 to the
15 Department of Administration; and

16 WHEREAS, SummitNet will greatly increase access to
17 telecommunications facilities for the interconnection of the
18 State's schools, libraries, universities, tribal colleges
19 and government agencies (state and local); and

20 WHEREAS, SummitNet's primary mission is to provide a
21 shared resource which will establish a standardized
22 networking environment for the State of Montana; and

23 WHEREAS, SummitNet is a long-term, complex project of
24 importance to all of the state,

25 NOW, THEREFORE, I, MARC RACICOT, Governor of the State
26 of Montana, pursuant to the authority vested in me by the
27

1 laws and Constitution of the State of Montana, do hereby
2 create the SummitNet Executive Council.

3 I. PURPOSE

4 The purpose of the SummitNet Executive Council is to
5 provide policy level direction for matters related to
6 SummitNet, including the following:

7 A. The Council shall provide a governance structure of
8 shared authority within the existing statutory
9 framework regarding management of telecommunication
10 networks.

11 B. The Council shall exercise broad authority for
12 strategic decision making with regard to SummitNet.
13 This authority shall include: 1) Policy development, 2)
14 Participation (identification of entities allowed to
15 use SummitNet), 3) Financial planning, 4) Strategic
16 planning, 5) Cost recovery planning and policies, 6)
17 Appropriate use policies, 7) Development and evaluation
18 of new networking technologies, and 8) other policy
19 issues related to SummitNet as determined by the
20 Council.

21 II. COMPOSITION

22 The Council shall consist of seven members as
23 identified below. The representatives will serve one-year
24 terms. The membership shall consist of the following:

- 25 * The Director of the Department of Administration (or
26 designee) who shall chair the Council; and
27

- 1 * The Commissioner of Higher Education (or designee); and
2 * The Superintendent of Public Instruction (or designee);
3 and
4 * A representative from local government who shall be
5 appointed by the governor; and
6 * Three Information Technology Advisory Council (ITAC)
7 members who represent state agencies and who shall be
8 appointed by the governor.

9 The members who shall serve shall be submitted by
10 separate appointment letters to the Secretary of State by
11 July 1, 1995.

12 III. DURATION

13 This Council shall exist for a period of two years from
14 the effective date of this Order unless otherwise ordered by
15 subsequent Executive Order. This Order is effective
16 immediately.

17 GIVEN under my hand and the
18 GREAT SEAL of the State of
19 Montana, this 30th day of
20 June, 1995.

21 Marc Racicot
22 MARC RACICOT, Governor

23 ATTEST:

24 Mike Cooney
25 MIKE COONEY, Secretary of State
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Executive Order No. 7-95

EXECUTIVE ORDER TRANSFERRING BUDGET AND ADMINISTRATIVE
FUNCTIONS OF THE OFFICE OF COMMUNITY SERVICE
TO THE DEPARTMENT OF LABOR AND INDUSTRY

WHEREAS, there is an Office of Community Service
established in the Office of the Governor under section 90-
14-103, MCA; and

WHEREAS, the best interests of the State are served by
combining similar functions as appropriate, in a manner
which promotes efficiency in state government; and

WHEREAS, the function of the Office of Community
Service is to foster and promote service to and volunteerism
in the State of Montana; and

WHEREAS, the Department of Labor and Industry provides
similar kinds of training and job service activities as does
the Office of Community Service; and

1 WHEREAS, the Department of Labor and Industry is
2 willing to administer the budget of the Office of Community
3 Service.
4

5 NOW, THEREFORE, I, MARC RACICOT, Governor of the State
6 of Montana, by virtue of the authority vested in me by the
7 Constitution and laws of the State of Montana, do hereby
8 direct the following:
9

10 1. The budget and fixed assets of the Office of
11 Community Service will be transferred to the Department
12 of Labor and Industry on July 1, 1995;
13

14 2. General administrative support for the Office of
15 Community Service that includes legal, budgeting,
16 record keeping, reporting, and related administrative
17 functions of the agency will be provided by the
18 Department of Labor and Industry as of July 1, 1995 and
19 thereafter. The cost for this support will be funded
20 from the resources of the Office of Community Service
21 as required by the Department of Labor and Industry's
22 indirect cost rate;
23

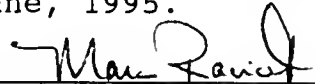
24 3. The Office of the Governor will remain the
25 supervisor of the Community Service Coordinator in the
26 Office of Community Service, with assistance from the
27

1 Job Service Division Administrator and the Commissioner
2 of the Department of Labor and Industry;
3

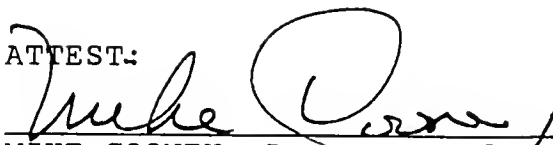
4 4. The Department of Labor and Industry will include
5 the Office of Community Service in its FY98-99 budget
6 request.
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8 This Order is effective July 1, 1995.
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15 GIVEN under my hand and the
16 GREAT SEAL of the State of
17 Montana, this 26th day of
18 June, 1995.

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21 MARC RACICOT, Governor
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21 ATTEST:

22 
23 _____
24 MIKE COONEY, Secretary of State
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State of Montana
Office of the Governor

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JUN 29 1995

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Executive Order No. 6-95

EXECUTIVE ORDER ALLOCATING, FOR ADMINISTRATIVE
PURPOSES ONLY, THE PETROLEUM TANK RELEASE
COMPENSATION BOARD TO THE DEPARTMENT
OF ENVIRONMENTAL REGULATION

WHEREAS, the 51st Legislature enacted Chapter 528, Laws
of Montana 1989 (Mont. Code Ann. §§ 75-11-301 et seq.)
creating the Petroleum Tank Release Compensation Board;

WHEREAS, the enabling legislation did not allocate the
Petroleum Tank Release Compensation Board to a principal
department or constitutional office of state government;

WHEREAS, Montana Constitution, Article VI, Section 7,
requires all executive and administrative offices, boards,
bureaus, commissions, agencies and instrumentalities of the
executive branch (excluding the offices of the elected
officers) be allocated by law among not more than 20
principal departments so as to provide an orderly
arrangement in the administrative organization of state
government;

WHEREAS, Mont. Code Ann. § 2-15-125 directs the
Governor to allocate, by executive order, a newly created

1 agency to the appropriate principal department or
2 constitutional office if the enabling statute fails to
3 allocate the agency;

4 WHEREAS, the enabling legislation at Mont. Code Ann. §
5 75-11-318 requires the Department of Health and
6 Environmental Sciences to provide staff support to the
7 Petroleum Tank Release Compensation Board as the Department
8 of Environmental Health and Environmental Sciences
9 determines it is able;

10 WHEREAS, in the exercise of its functions the Petroleum
11 Tank Release Compensation Board developed a close working
12 relationship with the Department of Health and Environmental
13 Sciences resulting in the issuance of Executive Order No. 3-
14 90 allocating the Petroleum Tank Release Compensation Board
15 to the Department of Health and Environmental Sciences;

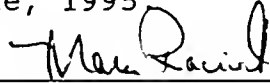
16 WHEREAS, the 54th Legislature enacted Chapter 418, Laws
17 of Montana 1995, implementing the recommendation of the
18 Governor's Task Force to Renew State Government by generally
19 revising the environmental and natural resource functions of
20 state government, including creating the Department of
21 Environmental Quality and transferring the functions of the
22 Department of Health and Environmental Sciences under Title
23 75, chapter 11, part 3 (Petroleum Storage Tank Cleanup), to
24 the Department of Environmental Quality;

25 NOW, THEREFORE, I, MARC RACICOT, Governor of the State
26 of Montana, pursuant to the authority vested in me by the
27


1 Constitution and the laws of the State of Montana, hereby
2 order that the Petroleum Tank Release Compensation Board be
3 allocated to the Department of Environmental Quality for
4 administrative purposes only.

5 This order is effective on July 1, 1995.
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9 GIVEN under my hand and the
10 GREAT SEAL of the State of
11 Montana, this 16th day of
12 June, 1995.

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16 MARC RACICOT, Governor
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ATTEST:



MIKE COONEY, Secretary of State

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Office of the Governor

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Executive Order No. 5-95

EXECUTIVE ORDER CONTINUING THE YOUTH JUSTICE ADVISORY
COUNCIL WITHIN THE DEPARTMENT OF JUSTICE, BOARD
OF CRIME CONTROL, TO IMPLEMENT THE JUVENILE
JUSTICE AND DELINQUENCY PREVENTION ACT

I, MARC RACICOT, Governor of the State of Montana, do hereby order the continuation of the Youth Justice Advisory Council within the Department of Justice, Board of Crime Control pursuant to Section 2-15-122, MCA, and as required by Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.

I. PURPOSE

The purpose of the Council is to:

- a. advise the Governor and the Board of Crime Control on policy matters related to juvenile justice;
- b. supervise the preparation, complete administration and implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as required by Section 223 of the Act;
- c. approve the annual plan as required by the Juvenile Justice and Delinquency Prevention Act of 1974, as

1 amended, and award grants to implement that plan;

2 d. advise the Governor, the Board of Crime Control and
3 the Legislature on legislation relating to juvenile
4 delinquency and compliance with the Juvenile
5 Justice and Delinquency Prevention Act; and

6 e. advise state, local and private agencies on
7 juvenile justice in order to better coordinate
8 services and to most efficiently utilize available
9 resources.

10 II. COMPOSITION AND TERMS OF APPOINTMENT

11 The composition of the Council shall not exceed 20
12 members, and must include the Director of the Department of
13 Corrections or the Director's designee. The names and
14 addresses of members who shall serve at the pleasure of the
15 Governor are submitted by separate letter to the Secretary of
16 State and to the Board of Crime Control.

17 III. COMPENSATION AND TRAVEL

18 Council members eligible for compensation under 2-15-
19 122(5) MCA shall be compensated \$25 for each day actually and
20 necessarily engaged in performance of Council duties. All
21 Council members who are not full-time state employees shall be
22 reimbursed for travel expenses pursuant to 2-15-122(5) MCA.


23 IV. TERMINATION OF PRIOR EXECUTIVE ORDER

24 Any provisions of prior Executive Orders relating to the
25 Youth Service Advisory Council are hereby superseded by the
26 provision of this Order.


1 V. DURATION

2 The Council shall exist until two years from the
3 effective date of this order. This Order shall be effective
4 immediately.
5
6

7 GIVEN under my hand and the
8 GREAT SEAL of the State of
9 Montana, this 16th day of June,
10 1995.

11 
12 _____
13 MARC RACICOT, Governor

11 ATTEST:

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13 _____
14 MIKE COONEY, Secretary of State
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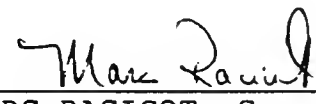


Executive Order No. 4-95


EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO. 18-94
ESTABLISHING THE MONTANA LEWIS & CLARK
BICENTENNIAL CELEBRATION ADVISORY COUNCIL

The provisions of Executive Order No. 18-94 are hereby
amended by striking the number 20 on page 3, line 7, and
substituting the number 21.

GIVEN under my hand and the
GREAT SEAL of the State of
Montana, this 15th day of June,
1995.


MARC RACICOT, Governor

ATTEST:


MIKE COONEY, Secretary of State

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Executive Order No. 3-95

EXECUTIVE ORDER CREATING THE GOVERNOR'S
WHIRLING DISEASE TASK FORCE

WHEREAS, whirling disease has been discovered in a number of Montana's wild trout streams; and

WHEREAS, this salmonid disease may have influenced a dramatic decline in the upper Madison River's wild rainbow trout population; and

WHEREAS, Montana manages its trout streams for wild trout and does virtually no stocking of its rivers and streams with hatchery trout; and

WHEREAS, whirling disease could impact Montana's wild trout fishery more than other hatchery-dependent states; and

WHEREAS, most scientific research on whirling disease has focused on fish hatcheries and hatchery-reared trout; and

WHEREAS, the manner in which whirling disease functions in wild environments is not well understood; and

WHEREAS, whirling disease could also pose a threat to Arctic grayling and bull trout, two native species already the

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1 focus of state special management plans; and

2 WHEREAS, the net economic value of trout fishing in Montana
3 is more than \$270 million annually; and

4 WHEREAS, Montana's current wild trout management philosophy
5 provides for more than 1.3 million fishing days for Montanans
6 and its visitors; and

7 WHEREAS, Montana's trout streams serve as an international
8 attraction and the whirling disease issue is of such a concern
9 that there is a need to build New Partnerships among public and
10 private interests; and

11 WHEREAS, there is an opportunity for the people of Montana
12 to benefit from a vast national pool of scientific expertise.

13 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
14 Montana, by virtue of the authority vested in me by 2-15-122,
15 MCA, do hereby create the Governor's Whirling Disease Task
16 Force.

17 I. PURPOSE

18 A. The Whirling Disease Task Force shall:

19 1. create a public-private partnership to examine
20 and identify issues relating to whirling disease in
21 Montana;

22 2. develop an action plan to address the whirling
23 disease problem. The action plan shall encompass
24 short- and long-term recommendations and focus on: (a)
25 scientific research, (b) communication and education,
26 (c) fisheries management and policy, (d) economic and
27

1 social impacts, (e) additional coalition building to
2 assist the Task Force and (f) establish a fund-raising
3 procedure to support recommended research;

4 3. publish its recommended action plan in two
5 phases. Phase I should focus on short-term
6 recommendations, and Phase II should address long-term
7 solutions.

8 B. The Whirling Task Force shall appoint technical
9 committees comprised of technical and scientific
10 specialists to assist the Task Force in making informed
11 recommendations.

12 II. COMPOSITION

13 The Whirling Disease Task Force shall be composed of not
14 more than 20 members. The names and addresses of members who
15 shall serve at the pleasure of the Governor shall be submitted
16 by separate letter to the Department of Fish, Wildlife and Parks
17 and the Secretary of State.

18 III. DURATION

19 This Task Force shall remain in existence until January 1,
20 1996, unless extended or terminated by subsequent Executive
21 Order. This Order is effective immediately.

22 GIVEN under my hand and the GREAT
23 SEAL of the State of Montana,
24 this 22ND day of May, 1995.

25 Marc Racicot
26 MARC RACICOT, Governor
27

25 ATTEST:.

26 Mike Cooney
27 MIKE COONEY, Secretary of State

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Executive Order No. 2-95

EXECUTIVE ORDER CONTINUING THE
STATE EMERGENCY RESPONSE COMMISSION

WHEREAS, the federal Superfund Amendments and Reauthorization Act of 1986 requires the appointment of a State Emergency Response Commission; and

WHEREAS, Montana's State Emergency Response Commission was created by Executive Order in 1992 and continued by Executive Order No. 10-93, effective July 21, 1993; and

WHEREAS, section 4 of House Bill 461, which took effect on March 28, 1995, clarifies the duties of and provides the statutory basis for the creation of a State Emergency Response Commission; and

WHEREAS, it is in the State's interest to provide continuity during the period of time necessary to appoint the newly-authorized State Emergency Response Commission, which may be delayed in part by the reorganization of several state agencies represented on the Commission.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of

Montana, by virtue of the authority vested in me by the existing Constitution and laws of the State of Montana, do hereby continue the existing Montana State Emergency Response Commission, with the current membership on file with the Secretary of State, until such time as the members of the newly-authorized Commission can be appointed, in keeping with the intent of House Bill 461.

This order is effective immediately.

GIVEN under my hand and the
GREAT SEAL of the State of
Montana, this 18th day of May,
1995.



MARC RACICOT, Governor

ATTEST:



MIKE COONEY, Secretary of State

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MAR 22 1995

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Executive Order No. 1-95

**EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN THE TOWN OF LIMA**

WHEREAS, in early March unseasonably warm temperatures and rainfall produced a rapid snow melt which caused flooding, which forced the evacuation of over fifty residences in and near Lima, and caused damage in the Town of Lima; and

WHEREAS, the Town of Lima has committed all available resources, taken all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to meet the conditions; and

WHEREAS, the Town of Lima has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two (2) mill levy on the town's taxable valuation, pursuant to Section 10-3-405, MCA, and has requested that an Executive Order be issued declaring a disaster to exist in the Town of Lima as a result of the flooding; and

WHEREAS, the Town of Lima is not sanctioned under the National Flood Insurance Program; and

WHEREAS, a declaration of an emergency or disaster authorizes the Governor, under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.


NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare a disaster to exist in the Town of Lima.

This order is effective immediately.

GIVEN under my hand and the
GREAT SEAL of the State of
Montana, this 16th day of
March, 1995.

Marc Racicot
MARC RACICOT, Governor

ATTEST:


MIKE COONEY, Secretary of State

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